

## December 12, 2018 Board Update

### Division of Consumer Equitability

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Revisions to Nevada Administrative Code Chapter 581 under LCB File R172-18 were adopted by the Department Director on October 19, 2018 and are scheduled for approval by the Legislative Commission prior to the 2019 Legislative Session. The revisions will be effective July 1, 2019, including increases to the fees for testing and licensing of weighing and measuring devices. The division continues to work with the livestock industry on the possibility of privatizing inspection of livestock scales and with the Nevada LP-Gas Board on the possibility of entering into an interlocal agreement for the inspection of liquified petroleum meters by LP-Gas Board inspectors.

As of November 26, 2018, year-to-date consumer complaints submitted to the division for fiscal year 2019 totaled 56. Of those complaints, 53 (95%) were related to quantity, quality or pricing of fuel at retail fuel stations. The remaining three complaints were related to scale accuracy/failure to deduct tare weight at point of sale at a retail frozen yogurt establishment, scale accuracy at a retail tobacco establishment and package weight accuracy at a retail marijuana establishment.

#### **Metrology**

The Sparks location of the State of Nevada Metrology Laboratory received Certificate of Accreditation to ISO/IEC 17025:2005 for Calibration Laboratories from the NIST National Voluntary Laboratory Accreditation Program (NVLAP) on November 5, 2018. Receiving this accreditation is the result of efforts undertaken over the past several years to bring the Sparks laboratory into compliance with the quality assurance requirements of the NVLAP program. Nationwide a total of 89 calibration laboratories have earned this accreditation, with only 19 of those being state-operated laboratories. This accreditation will become even more valuable to Nevada's economy as advanced manufacturing and technology industries continue to expand in our state.

As of November 26, 2018, program personnel had calibrated 569 devices and collected revenues of \$22,863 for fiscal year 2019 to-date. In-house calibration services performed on division-owned assets represents cost-savings of \$13,125 for fiscal year 2019 to-date. The program is on target to meet projected device calibrations for FY19.

The program's annual certification submission was delivered to NIST on October 31, 2018. Following NIST review of the submission the division will receive renewal of our NIST Certificate of Traceability; our 2019 certificate is anticipated to include expanded scope approvals for both the Sparks and Las Vegas laboratories. These expanded scopes will allow the division to provide a broader range of services to the private sector.

#### **Petroleum Technology**

As of November 26, 2018, Petroleum Technology program personnel had tested 1,197 samples fiscal year 2019 to-date. The program is running slightly behind in sample testing numbers in Northern Nevada due to diversion of Sparks-based inspectors to assist with livestock scale testing, but is expected to make up for most of those numbers by the end of the fiscal year.

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#### **Weights & Measures**

The 2018 Livestock Scale Inspection program began in late July and concluded in early November. This was a particularly challenging season due to the vacancy of the Elko Weights & Measures Inspector III position, unanticipated absences of seasonal personnel, and a significant number of equipment malfunctions. Program staff conducted a post-season debriefing and have identified several opportunities for improvement next year.

A total of 13,467 weighing and measuring devices have been inspected this fiscal year to-date, representing completion of 30% of our statewide inventory. 2,567 devices have been added to our statewide inventory this fiscal year, a 6% increase since July 1, 2018.

The division has been prioritizing inspection of devices that have not been checked within the last 18 months. Approximately 3,000 devices remain on our priority list of those with a last-inspected date older than July 1, 2017, down from 8,484 devices at the start of this fiscal year. It is anticipated that the remaining devices will all have been inspected by the end of calendar year 2018.

Invoices for fiscal year 2019 commercial weights and measures equipment annual licenses were mailed to device owners in early July 2018. As of November 26, 2018, annual device license fee collections total \$809,669.

The division currently has 13 authorized Weights & Measures Inspector positions, 12 of which are filled. The Weights & Measures Inspector III position based in Elko became vacant in April 2018 and was recently filled with the promotion of Steven Terry, who had been serving as Weights & Measures Inspector II in Elko. A recruitment to fill the resulting Weights & Measures Inspector II vacancy has been initiated and the division hopes to fill the position by the end of January 2019.